

**Amendments to the Drawings:**

Please, replace figure 1 with the attached amended figure.

## **REMARKS**

With this Response, claims 1, 2, 8, and 9 are amended. Claims 10-14 are added and claims 3-4 are canceled. Therefore, claims 1-2 and 5-14 are pending.

### **Amendment to Specification**

Applicant has amended the Specification to correct numbering of elements of Figure 1. No new matter has been added. Approval is respectfully requested.

### **Amendment to the Figures**

Applicant submits one replacement sheet for Figure 1. In this replacement sheet, the Applicant has made typographical amendments. No new matter has been added. Approval is respectfully requested.

### **Claim Objections**

Claim 8 was objected due to stylistic informalities. Applicant has amended claim 8, therefore Applicant respectfully requests that the objection be withdrawn.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 9 was rejected under 35 U.S.C § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant has amended claim 9 herein, therefore Applicant respectfully requests that the rejection on claim 9 be withdrawn.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hedlund et al., US 2004/0267591 A1 (hereinafter “Hedlund”). Applicant submits that these claims are allowable over the cited reference for at least the following reasons.

It is axiomatic that to anticipate a claim every element of the claim must be disclosed with a single reference. Independent claim 1 recites:

“receiving a second scheduling request for the resource that refines the first scheduling request, the second scheduling request specifying that **a portion of the requested amount of time** is to be scheduled **in a specific time slot** within the requested time period; scheduling in an electronic schedule **the portion of the requested amount of time in the specific time slot**; and scheduling in the electronic schedule **a remaining portion of the requested amount of time** within the requested time period **except within the specific time slot.**”

According to the cited reference, Hedlund teaches a system for creating schedules using pattern recognition procedures. Although one of the patterns is a time dependent pattern, it covers only that a specific task can be performed during a specific time period. The instant application describes scheduling a resource for a requested amount of time sometime within a requested time period, then scheduling a portion of the requested amount of time in a specific time slot within the requested time period, and finally scheduling a remaining portion of the requested amount of time within the requested time period except within the specific time slot. Applicant respectfully submits that Hedlund does not disclose such way of scheduling – having two portions of a certain amount of time to be scheduled in different time slots of the same

period of time. Moreover, Hedlund does not suggest anything about receiving a first scheduling request and receiving a second scheduling request that refines the first scheduling request. The instant application and claim 1 also disclose scheduling a specific amount of time sometime in a specific time period. This means that the exact date and time are not specified in the scheduling request, which leads to greater flexibility when planning and scheduling resources. Therefore, Applicant submits that the cited reference fails to support an anticipation rejection of claim 1. Applicant respectfully requests that claim 1 be allowed.

As per claim 2, as amended herein claim 2 recites: "...the resource can be a person that provides a service, a machine, a tool, a workstation, or any other resource that can be utilized with schedules." Applicant respectfully submits that Hedlund's invention relates to "...scheduling of personnel and more particularly relates to a system and method for automatically scheduling personnel based on individual employee characteristics..." This clearly shows that the cited reference discloses creating schedules for persons/employees only, while the instant application discloses planning of resources such as persons, machines, tools, workstations, or any other resources that can be utilized with schedules. Therefore, Applicant submits that Hedlund fails to teach or suggest the subject matter claimed by the Applicant in claim 2. Allowance of claim 2 is respectfully requested.

As per claim 6, Applicant submits that Hedlund offers no teaching about receiving a second scheduling request that refines a first scheduling request. Moreover, the cited reference does not disclose that a portion of the predetermined number of hours from the first scheduling request is to be scheduled for a specific time slot on a specific date within the date range. Rather, Hedlund only suggests that "a specific task needs to be performed during a specific time period", paragraph [0037] and that a schedule can be modified by an employee according to employee's

preferences. These preferences do not include a portion of a certain amount of hours to be scheduled for a specific time slot on a specific date within the date range, because the method described by Hedlund does not include receiving a first scheduling request, a second scheduling request that refines the first, and scheduling of portions of time. The scheduling in the cited reference only considers specific time period, days off, requests to be scheduled with other employees or managers, requests for certain assignments, and so on.

Claim 8 is likewise an independent claim, and includes limitations similarly directed to scheduling a resource for a requested amount of time sometime within a requested time period, then scheduling a portion of the requested amount of time in a specific time slot within the requested time period, and finally scheduling a remaining portion of the requested amount of time within the requested time period except within the specific time slot. For at least the foregoing reasons, claim 8 is not anticipated by Hedlund. Applicant requests removal of the rejections and that the claim is allowed.

Claims 5 and 7 depend, either directly or indirectly from independent claim 1, and therefore, also include similar limitations. Because Applicant's independent claim recite at least one feature not disclosed or suggested in the cited reference, Applicant submits that the cited reference fails to support a rejection of the dependent claims for at least the same reasons as those discussed above with respect to the independent claim. It is therefore respectfully requested that the rejection of claims 1-8 be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hedlund et al., US 2004/0267591 A1 (hereinafter "Hedlund") as applied to claim 8, further in view of

Conmy US 2001/0014867 A1. Applicant submits that these claims are allowable over the cited reference for at least the following reasons.

To render a claim obvious every element of the claim must be taught or suggested by a combination of properly combined references such that the invention as a whole would have been obvious to one of ordinary skill in the art. Claim 9 depends from claim 8 and therefore, also includes limitations for scheduling a resource for a requested amount of time sometime within a requested time period, then scheduling a portion of the requested amount of time in a specific time slot within the requested time period, and finally scheduling a remaining portion of the requested amount of time within the requested time period except within the specific time slot. Applicant respectfully submits that neither Hedlund nor Conmy disclose such way of scheduling – having two portions of a certain amount of time to be scheduled in different time slots of the same period of time.

Based on the arguments presented above, the Applicant respectfully requests that the rejections under 35 U.S.C § 103 be withdrawn.


## **CONCLUSION**

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

Date: 6/16/08

  
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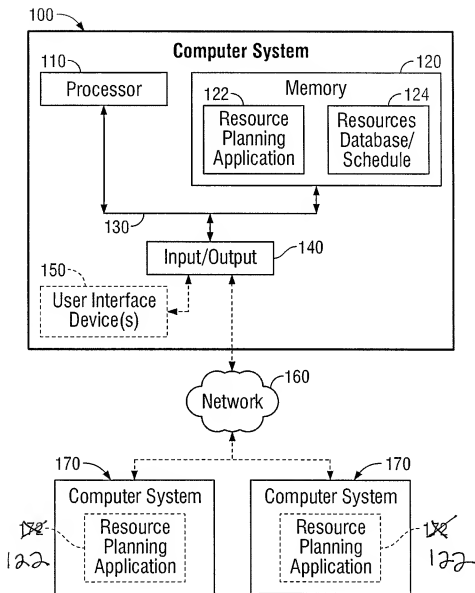


FIG. 1